

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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IN RE:

Case No: 11-61078

Joseph and Cherie Bechtold,

Debtor(s).

Chapter 13

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**NOTICE OF HEARING ON  
PRE-CONFIRMATION MODIFIED PLAN**

Please take notice that a hearing on the pre-confirmation modified plan filed on July 13, 2012, will be presented to the court for confirmation on July 24, 2012, at 10:00 a.m. at 2<sup>nd</sup> Floor 118 S Mill St, Fergus Falls, MN 56537.

Dated this 13th day of July 2012.

HELLER & THYEN, P.A.

/s/ Robert S. Thyen  
Robert S. Thyen – 032288X  
Attorney for Debtor  
606 25th Avenue South, Suite 110  
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320-654-8000

**IN RE:**

**Bechtold, Joseph James & Anthony-Bechtold, Cherie Ann**

Debtor(s)

Case No. **11-61078**

Chapter **13**

**MODIFIED CHAPTER 13 PLAN**

Dated: **July 13, 2012**.

**1. PAYMENTS BY DEBTOR TO TRUSTEE –**

- a. As of the date of this plan, the debtor has paid the trustee \$ **8,300.00**.
- b. After the date of this plan, the debtor will pay the trustee \$ **1,300.00** per **month** for **52** months, beginning within 30 days after the filing of this plan for a total of \$ **67,600.00**. The minimum plan length is  36 or  60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee: **n/a**
- d. The debtor will pay the trustee a total of \$ **75,900.00** [line 1(a) + line 1(b) + line 1(c)].

**2. PAYMENTS BY TRUSTEE –** The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **7,590.00**, [line 1(d) x .10].

**3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] –** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor		Description of Property	Number	TOTAL
			Monthly Payment	
Gateway Community Fcu			<b>50.00</b>	<b>6</b>
TOTAL				<b>300.00</b>

**4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] –** The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor		Description of Property	Number	TOTAL
			Monthly Payment	
Verizon Wireless Contract For Deed		<b>2 year cell phone contract</b> <b>Contract for deed for homestead</b>	<b>50.00</b>	<b>6</b>
TOTAL				<b>300.00</b>

**5. CLAIMS NOT IN DEFAULT –** Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor		Description of Claim	Number	TOTAL
			Monthly Payment	
Contract For Deed		<b>Homestead is located at 19709 155th St, Eden Valley, MN 5532</b>		
Nationstar Mortgage LI		<b>Rental Property #2 located at 1273 Thibodeau Ln, Missoula, M</b>		
Two River Bank		<b>Rental Property #3 located at 1305 Thibodeau Ln, Missoula, M</b>		
TOTAL				<b>0.00</b>

**6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] –** The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor		Description of Claim	Number	TOTAL
			Amount of Default	
None				
TOTAL				<b>0.00</b>

**7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] –** The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor		Description of Claim	Number	TOTAL	
			Amount of Default		
Bank of America Home Loans			<b>21,000.00</b>	<b>0.00</b>	<b>636.36</b>
					<b>13</b>
					<b>33</b>
					<b>21,000.00</b>

TOTAL ..... **21,000.00**

**8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor’s discharge. NOTWITHSTANDING A CREDITOR’S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR’S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR’S ALLOWED SECURED CLAIM.

Creditor	Claim	Secured	Beginning in		Number of Payments	Payments on Account of	Adequate Protection from § 3	TOTAL PAYMENTS
	Amount	Claim	Int. Rate	Month #		Payment	Claim	
<b>Gateway Community Fcu</b>	<b>61,254.00</b>	<b>23,833.00</b>	<b>5.07</b>	<b>7</b>	<b>502.85</b>	<b>53</b>	<b>26,650.98</b>	<b>300.00 26,950.98</b>
<b>TOTAL</b>								<b>26,950.98</b>

**9. PRIORITY CLAIMS** – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Beginning	Number	TOTAL		
	Estimate	in			
	Claim	Monthly Payment	Month #	Payments	
<b>Heller &amp; Thyen, P.A.</b>	<b>1,781.00</b>	<b>890.50</b>	<b>1</b>	<b>2</b>	<b>1,781.00</b>
<b>IRS</b>	<b>9,583.52</b>	<b>798.63</b>	<b>2</b>	<b>12</b>	<b>9,583.52</b>
<b>MN Department Of Revenue</b>	<b>1.00</b>	<b>0.08</b>	<b>2</b>	<b>12</b>	<b>1.00</b>
<b>TOTAL</b>					<b>11,365.52</b>

**10. SEPARATE CLASSES OF UNSECURED CREDITORS** – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Beginning	Number	TOTAL				
	Int. Rate	Claim					
	(if any)	Amount	Monthly	in	of		
			Payment	Month #	Payments		PAYMENTS
<b>None</b>							
<b>TOTAL</b>							<b>0.00</b>

**11. TIMELY FILED UNSECURED CREDITORS** – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ **8,993.50** [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **430,225.00**.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **125,191.00**.
- Total estimated unsecured claims are \$ **555,416.00** [line 11(a) + line 11(b)].

**12. TARDILY-FILED UNSECURED CREDITORS** – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

**13. OTHER PROVISIONS** – The trustee may distribute additional sums not expressly provided for herein at the trustee’s discretion.

**The debtor(s) shall provide copies of their federal and state income tax returns to the trustee annually and shall pay the net amount of their combined income tax refunds in excess of \$2,000, less any earned income credit, as additional plan payments.**

**Debtors are planning to move back to 1343 Thibodeau Ln, Missoula, MT shortly after filing and make that their permanent residence.**

Surrendering- **Springleaf Financial** Hot Tub

**14. SUMMARY OF PAYMENTS –**

Trustee’s Fee [Line2]	\$	<b>7,590.00</b>
Home Mortgage Defaults [Line 6(d)]	\$	<b>0.00</b>
Claims in Default [Line 8(d)]	\$	<b>21,000.00</b>
Other Secured Claims [Line 8(d)]	\$	<b>26,950.98</b>
Priority Claims [Line 9(f)]	\$	<b>11,365.52</b>

Separate Classes [Line 10(c)]	\$	0.00
Unsecured Creditors [Line 11]	\$	8,993.50
TOTAL [must equal Line 1(d)]	\$	75,900.00

Robert S. Thyen 032288X  
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606 25th Ave S #110  
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Signed: \_\_\_\_\_  
DEBTOR

Signed: \_\_\_\_\_  
DEBTOR (if joint case)